

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Smith, et al.

Serial No.: 9/660,257

Filed: 09/12/2000

Title: METHODS AND MIXTURES FOR TREATING DISTRESSED TREES

Art Unit: 3643

Examiner: Gellner

Hon. Commissioner of Patents

Box Fee Amendment

Washington, D. C. 20231.

AFFIDAVIT

WHEREAS, the undersigned,

I, Peter Martin, resident of 413 Meng Circle, Denton County, Texas 76209, citizen of the United States of America, having invented certain new and useful improvements in METHODS AND MIXTURES FOR TREATING DISTRESSED TREES, do hereby state that :

Since Spring, 2001, Don Smith and I, as well as various contractors, have treated hundreds of trees on dozens of sites using the mixtures and methods described in the patent application. The results have been remarkable. Our sample currently demonstrates that over 90% of trees treated survive and in many instances the survival rate is 100% while adjacent untreated properties with trees show mortality rates of 40% to 60%.

EXHIBIT

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**This is something that homeowners consider to be valuable especially in the light  
that a wooded lot costs ten of thousands of dollars more than an unwooded lot.**

**During the past growing season we have sold between \$5,000 and \$10,000 worth of  
services per month using these treatments and interest continues to grow.**

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

The Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account Number 23-2426 of WINSTEAD SECHREST & MINICK P.C.

If the Examiner has any questions or comments concerning this paper or the present application in general, the Examiner is invited to call the attorney for the undersigned, James J. Murphy at (214) 745-5374.

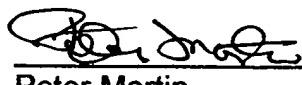
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Inventor's signature:

State of TEXAS

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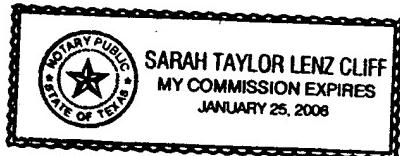
  
Peter Martin

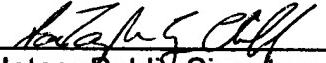
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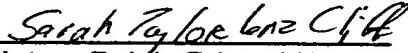
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Before me, Sarah Taylor Lenz Cliff, a notary public, on this day personally appeared Peter Martin, known to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same for the purposes and considerations therein expressed.

Given under my hand and seal on the \_\_\_\_\_ day of \_\_\_\_\_, 2002.



  
Notary Public Signature

  
Notary Public Printed Name

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